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FROM : Henri

FAX NO. :

JUL 23 2009

Jul. 23 2009 04:07PM P1

Henri Duong  
316 1/2 E Glendon way  
Alhambra, CA-91801

July 23, 2009

Subject: Request for refund on notice of appeal and appeal brief fees of application no. 10/669,668  
filing date 09/23/2003 Art Unit no. 3628

Board of Patent Appeal & Interference  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Frances Han,

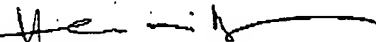
I am referring to your letter of July 21, 2009 indicating that the refund request in the amount of \$500 is denied due to the missing of pointing out as fee payment made "by actual mistake or in excess, such as payment not required by law".

According to the applicable statute, 35 USC 42(d), the Commissioner will refund "any fee paid by mistake or any amount paid in excess of that required": a fee paid when no fee is required.

- Petitioner's notice of appeal and appeal brief fees are paid by mistake: Since the abandonment of the application is applied, the application will not be processed resulting that such fees are paid without using, being in the case of "a fee paid when no fee is required".
- Petitioner paid the notice of appeal and appeal brief fees for the purpose of processing the application but the current case is that petitioner paid this fee by mistake because the application is out of execution being abandoned by your office.
- "... any amount paid in excess of that required": Once the application is abandoned, does your office require such notice of appeal and appeal brief fees to carry on next action? If no, the case is: "any amount paid in excess of that requirement".

Your prompt reaction for refund is highly appreciated.

Respectfully yours,



Henri Duong